

EXHIBIT 1



Entered on Docket
June 12, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIRST
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
THE PALM SPRINGS MARQUIS
HOTEL LOAN**

Hearing Date: June 9, 2008
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's First Omnibus
2 Objection to Proofs of Claim Based Upon Investment in the Palm Springs Marquis Hotel
3 Loan (the "Objection") [DE 6285]. Adequate notice of the Objection was given. No
4 responses were filed to the Objection and no opposition was raised to the Objection at the
5 hearing on June 9, 2008. Good cause appearing,

6 IT IS ORDERED that the Objection is sustained and the Proofs of Claim listed on
7 Exhibit A attached are disallowed in their entirety because they were based entirely upon
8 an investment in the Palm Springs Marquis Hotel Loan.

9 ###

10 PREPARED AND SUBMITTED:

11 **LEWIS AND ROCA LLP**

12
13 By: /s/ RC (#0006593)
14 Susan M. Freeman
15 Rob Charles
16 John Hinderaker
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

**MARQUIS HOTEL LOAN
FIRST OMNIBUS OBJECTION**

**EXHIBIT A
Single Loan Claims**

Claim	Name	Address	Total Claim Amount	Amount Subject to Objection Because it Relates to an Investment In the Marquis Hotel Loan
10725-01538	Dunham Trust Company	Re: Fred Kewell IRA 4777 Caughlin Parkway Reno, NV 89519	\$75,000.00	\$75,000.00
10725-02111	Donna Dunn Trust Dtd 8/12/05	c/o Donna Dunn Trustee 17042 Norlene Way Grass Valley, CA 95949-7161	\$50,776.39	\$50,776.39
10725-01681	Keeley N. and Nicolas S. Gasparro	8919 Challis Hill Lane Charlotte, NC 28226- 2687	\$57,423.52	\$57,423.52
10725-00236	Lynne Keller	1431 Mallard Drive Carson City, NV 89701	\$58,024.13	\$58,024.13
10725-01642	Robert H. and Matthew S. Knobel II	225 Riverton Road Weddington, NC 28104-6003	\$57,423.52	\$57,423.52
10725-01706	Whitney H. Lauren Family Trust Dtd 3/5/98	c/o Whitney H. Lauren Trustee 2581 Rampart Terrace Reno, NV 89519-8362	\$8,756.95	\$8,756.95
10725-02255	Whitney H. Lauren Family Trust Dated 3/5/98	Whitney H. Lauren Trustee 2581 Rampart Terrace Reno, NV 89519	\$50,776.39	\$50,776.39
10725-00294	Gary L. and Virginia L. McDaniel 1991 Living Trust Dtd 5/1/91	c/o Gary L. and Virginia L. McDaniel Trustees 2100 Lookout Point Circle Las Vegas, NV 89117- 5805	\$100,000.00	\$100,000.00
10725-00706	Rains Properties LP	Donna M. Osborn, Esq. Marquis & Aurbach 10001 Park Run Drive Las Vegas, NV 89145	\$250,000.00	\$250,000.00
10725-01757	Rocklin/Redding LLC	Stephen R. Harris, Esq. Belding Harris & Petroni Ltd. 417 West Plumb Lane Reno, NV 89509	\$800,000.00	\$800,000.00